

**FISCAL IMPACT OF PROPOSED LEGISLATION**

**Measure: HB 2779 - A**

Seventy-Seventh Oregon Legislative Assembly – 2013 Regular Session  
Legislative Fiscal Office

*Only Impacts on Original or Engrossed  
Versions are Considered Official*

Prepared by: John Terpening  
Reviewed by: Steve Bender  
Date: 3-19-2013

**Measure Description:**

Authorizes issuance of restraining order protecting certain persons subjected to sexual abuse.

**Government Unit(s) Affected:**

Judicial Department, Cities, Counties

**Summary of Expenditure Impact:** See Analysis

**Local Government Mandate:**

This bill does not affect local governments' service levels or shared revenues sufficient to trigger Section 15, Article XI of the Oregon Constitution.

**Analysis:**

The measure authorizes the issuance of protective orders in certain cases where persons have been subjected to sexual abuse.

The Oregon Judicial Department (OJD) notes that the issuance of these certain protective orders are a new case type that will be additional workload to the courts. Additionally, the new case type will require one-time programming changes to the two current case management systems utilized by OJD, the Oregon Judicial Information Network and the Oregon eCourt Case Information system. Both systems are currently operational and would require updates to allow for types of notifications required by the measure. OJD estimates the one-time programmatic changes to cost between \$85,760 and \$117,920 General Fund in 2013-15. The on-going costs related to the courts additional workload is assumed to be minimal.

REVENUE: No revenue impact

FISCAL: Fiscal statement issued

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<b>Action:</b>	Do Pass as Amended and Be Printed Engrossed and Be Referred to the Committee on Ways and Means
<b>Vote:</b>	9 - 0 - 0
<b>Yeas:</b>	Barton, Cameron, Garrett, Hicks, Krieger, Olson, Tomei, Williamson, Barker
<b>Nays:</b>	0
<b>Exc.:</b>	0
<b>Prepared By:</b>	Bill Taylor, Counsel
<b>Meeting Dates:</b>	3/12, 3/19

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**WHAT THE MEASURE DOES:** Allows person who has been sexually abused and who has an objectively reasonable fear for his or her physical safety to petition a circuit court for a restraining order against his or her alleged abuser if: (1) Person seeking the restraining order and respondent are not family or household members; (2) respondent is at least 18 years old; and (3) respondent is not already subject to a restraining order. Requires court to hold ex parte hearing day of filing or following judicial day. If petitioner can show that his or her fear is objectively reasonable and that respondent subjected the petitioner to sexual abuse within the 180 days preceding the filing of the petition, the court must: (1) Restrain respondent from contacting or intimidating the petitioner; and (2) restrain the respondent from contacting the petitioner's children or family or household members if requested. If respondent is restrained from entering an area surrounding the petitioner's residence, the order must describe the area.

Provides respondent, the right to request a hearing within 30 days after the order is issued. If the person does not request a hearing, the order is confirmed by operation of law. Limits the use of evidence relating to the petitioner's reputation or past sexual behavior.

**ISSUES DISCUSSED:**

- Applies to situations when Family Abuse Prevention act is not applicable

**EFFECT OF COMMITTEE AMENDMENT:** Changes standard to "it is objectively reasonable for a person in the petitioner's situation to fear physical harm."

**BACKGROUND:** ORS 30.866 allows court to grant civil protective order if a person intentionally, knowingly, or recklessly engages in repeated and unwanted contact with another person or the person's family. ORS 124.010 allows an elderly person or a person with disabilities or their guardian to obtain a protective order against an abuser for abuse that had taken place within 180 days of the petition for a restraining order. ORS 163.738 allows for a restraining order in a criminal stalking proceeding. ORS 419B.845 allows for a restraining order to protect a child that has been physically or sexually abused.